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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

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14 IZUMI OHKUBO,

15 Plaintiff,

16 v.

17 ANTARA BIOSCIENCES, INC.
18 MARC R. LABGOLD AND DANA
19 ICHINOTSUBO,

20 Defendants.

21 Case No.: C07 06354 JW

22 **STATUS REPORT ON JAPANESE
LITIGATION IN CONNECTION
WITH PENDING MOTION TO
DISMISS**

23 [Declaration of Dana Ichinotsubo
submitted concurrently herewith]

24 Honorable James Ware
Courtroom 8

25 Complaint Filed: December 14, 2007

1 **TO THE PARTIES, COUNSEL OF RECORD, AND THIS**
 2 **HONORABLE COURT:**

3 This Status Report is respectfully submitted in an effort to keep the Court
 4 apprised of events relevant to Defendants' pending Motion to Dismiss. The present
 5 litigation has effectively been stayed by mutual agreement of the Parties while the
 6 Motion to Dismiss is *sub judice*.

7 As the Court knows, there is a co-pending Japanese Litigation, referred to
 8 in the Parties' respective papers, that closely mirrors the instant action. In that case,
 9 Plaintiff Ohkubo submitted only one third party declaration – that of Mr. Toshiaki
 10 Suzuki – the individual that Defendants have asserted is a necessary witness to the
 11 issues pending in this litigation. (Declaration of Dana Ichinotsubo, ¶5.). A few days
 12 ago, on or about July 31, 2008, the Japanese Court issued a decision in Plaintiff
 13 Okhubo's favor in the Japanese Litigation. (Id., ¶6.).

14 Defendants respectfully submit both of these facts – Plaintiff's use of
 15 Suzuki as a witness and a decision on the merits in Japan – further support dismissal
 16 of the present lawsuit on forum *non conveniens* grounds in favor of the Japanese
 17 Court.

18 DATED: August 4, 2008

MICHAEL J. HARTLEY
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21 _____
 /s/ Michael J. Hartley

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 Michael J. Hartley

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